

Public Defense Roster/Director controlled:

1. Usurps authority of the BOCC (19-861) The PD serves at the pleasure of the Board
2. Creates a burden and concern among defense attorneys to reapply every year
3. If a name is removed, forces PD to terminate individual creating liability for the county
4. Gives one person the control to determine who is eligible for defense instead of the direct supervision of the PD
5. Conflicts with 19-861(1) Deputy PDs serve at the pleasure of the PD
6. Creates disincentive for public defense

Unfunded Mandates:

1. Support staff, housing, and investigators for additional attorneys
2. Only CLE's approved by Director
3. Separate HR and IT Departments

Vertical representation definition problematic:

1. The new definition of vertical representation is a huge departure from current rules.
2. ID Code 19-850(1)(a)(vi)(6) "Extent reasonably practicable" is sufficient.
3. The rigid proposed rule exceeds the language of statute and fails to take into account practical realities of indigent criminal defense. It takes the human element out of defense.

List of Vague terms and their locations:

1. 61.01.02.020.04 Communication- "frequently"
2. 61.01.02.040 Will provide "adequate" Consistent "properly funded"
3. 61.01.02.60 (d) "sufficient" (e) "promptly" (n) "quality and zealous"

Deficiency Reporting:

1. 03 Non-Material: ..."not cured according to the deadlines set by the Director, the NMD will be deemed Material." Absolutely lends itself to unfair application. When the declared "deficiency" is out of the control of the PD, this oversteps legislative intent and causes the PDC to be a liability and not a resource.
2. 04 (c) see above